

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 20TH APRIL 2007 / 30TH CHAITHRA 1929

Bail Appl..No. 2392 of 2007()

CRIME NO. 276 OF 2007 OF MANNARKKAD POLICE STATION.

PETITIONERS/ACCUSED NOS.1 AND 2

1. MOHANAN, S/O.RAJAPPAN,
AGED 39 YEARS, KALLUPARAMBIL,
IRUMBAMUTTY, THARUPAPPATHY, MUNDANAD,
PALAKKAYAM, MANNARKKAD TALUK, PALAKKAD DISTRICT.
2. SHAJI, S/O.KUTTAPAYI @ ABRAHAM,
AGED 39 YEARS, THANNIYIL HOUSE, IRUMBAMUTTY
THARUPAPPATHY, MUNDANAD, PALAKKAYAM, MANNARKKAD
TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.V.A. AJAI KUMAR

RESPONDENTS/STATE & COMPLAINANT :

1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE,
MANNARKKAD.

BY PUBLIC PROSECUTOR ADV. SHRI K.S. SIVAKUMAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20/04/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.T. SANKARAN, J.

.....
B.A. No. 2392 OF 2007
.....

Dated this the 20th April, 2007

ORDER

Petitioners are accused Nos. 1 and 2 in Crime No. 276 of 2007 of Mannarkkad Police Station. They seek anticipatory bail under section 438 of the Code of Criminal Procedure. The offence alleged against the petitioners are under sections 323, 326, 294(b), 341 read with 34 of the Indian Penal Code. It is stated that the first petitioner is a headload worker and the second petitioner is a coolie. The incident is alleged to have taken place while the defacto complainant was walking along the road with his wife and daughter to his house. It is stated that the body of the wife of the defacto complainant was touched by one of the accused persons and it was questioned by the defacto complainant, and the incident occurred in the manner stated in the First Information Statement.

2. In the facts and circumstances of the case, I am of the view that

an order under section 438 of the Code of Criminal Procedure cannot be granted to the petitioners. However, in the nature of the allegations made against them, the petitioners could be permitted to surrender before the Investigating Officer for interrogation on 30.04.2007. On such surrender, the petitioners shall be produced before the Magistrate having jurisdiction on the same day. If an application for bail is moved by the petitioners, it shall be disposed of by the Magistrate on the same day itself.

3. Petitioners shall appear before the Investigating Officer as and when directed by notice. Petitioners shall not try to influence the witnesses or try to tamper with the evidence or indulge in any activities affecting the smooth investigation.

Bail Application is disposed of as above.

**K.T. SANKARAN,
JUDGE.**

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